

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

September 17, 2024

LAURA A. AUSTIN, CLERK  
BY:

s/A. Beeson  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

KEITH EDWARD MOSS, )  
Petitioner, ) Civil Action No. 7:24cv000628

v. )  
 )  
 )

CHADWICK S. DOTSON, ) By: Elizabeth K. Dillon  
Respondent. ) Chief United States District Judge

**MEMORANDUM OPINION AND ORDER**

Keith Edward Moss, a Virginia inmate proceeding *pro se*, filed this action that was docketed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Some of the allegations in this petition are identical to those in a separate habeas corpus action that is currently pending before another judge in this district. *See* Civil Action No. 7:24-cv-00071 (W.D. Va.) While the instant petition does not cite a specific case number from state court, it is apparent to the court that this action is a challenge to the same convictions that are at issue in Case No. 7:24-cv-00071. Both actions reference petitioner's arrest on February 13, 2021, and contend that "the arresting officer(s) erred in his duty to have the petitioner brought forthwith before a magistrate or other issuing authority in personal appearance or otherwise . . ." (Habeas Pet. 11 of 14, Dkt. No. 1; Habeas Pet. Ground 1(a), 5–6 of 19, Dkt. No. 1 in Case No. 7:24-cv-00071.) Because these two cases are duplicative, the court will dismiss this action without prejudice.

It is HEREBY ORDERED that this matter is DISMISSED without prejudice. Finding that petitioner has not made a substantial showing of the deprivation of a constitutional right, 28

U.S.C. § 2253(c), the court DECLINES to issue a certificate of appealability.

The Clerk is directed to transmit a copy of this order to petitioner.

Entered: September 17, 2024.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
Chief United States District Judge